Bail Review Rights

Blackman 18-1302 W1

District Court of Maryland

Your bail review is not your trial. It is a hearing to determine whether the bail that has been set in your case ought to be changed, raised, or lowered, or whether you should be released on your own recognizance under conditions set by the Court.

In determining your release conditions, the judge will take into account various factors, including: the nature and circumstances of the offenses; your previous criminal history record; your finances, employment history, and ties to the community; any recommendations provided by an agency, the State's Attorney, your lawyer or yourself; and any safety concerns related to yourself or others.

This is not your opportunity to tell the Court whether you are guilty or not guilty, and you must not say anything about the facts of the case. Everything you say here is being recorded and may be used against you in the prosecution of your case.

You have a right to have a public defender represent you at the bail review. If you have not talked to a public defender and would like to postpone your bail review, please tell the bail review judge. You may waive your right to representation by a public defender at the bail review. If you waive your right to representation by a public defender at the bail review hearing, your bail review will proceed today. If you want to waive your right to a public defender, please inform the judge. The judge will ask you questions to make sure you understand the rights you are waiving.

Each of you should have received a copy of your statement of charges. If you have not received your charging documents, please tell the pretrial representative, your public defender, and the bail review judge and a copy will be provided to you. If you are represented by the public defender, he or she should have reviewed your charges with you.

You have certain very important rights. Please listen carefully. If you are charged with a felony that cannot be heard in District Court, you have the right to a preliminary hearing. Before there can be a preliminary hearing, you or your attorney must request the hearing within 10 days after you first appeared before the commissioner. If you fail to ask for a preliminary hearing within those 10 days, you will have given up that right. In some jurisdictions, the date of your hearing will be given today. If you choose to have a preliminary hearing, the State must show that there is probable cause to believe that a felony was committed and show probable cause that you committed the felony. You will not be able to testify or call witnesses to testify for you, but you or your attorney will be able to ask limited questions of the State's witnesses to learn what evidence the State has against you, and challenge the existence of probable cause.

If probable cause is found, your case will be moved to the city or county circuit court. If probable cause is not found, the felony charge will be dismissed.

If you are charged with a crime that carries more than 90 days incarceration, you have a right to a judge trial in the District Court or a jury trial in the county circuit court where the trial is held. A jury is composed of twelve (12) persons, chosen at random from the motor vehicle and voter rolls of the city or county where the trial is held. In order to find you guilty in a jury trial, all twelve (12) jurors would have to find beyond a reasonable doubt, that you are guilty. All twelve could also decide you are not guilty. If they couldn't agree, it is a hung jury, and the State has to decide whether to try you again.

You also have a right to a judge trial where the burden of proof is also beyond a reasonable doubt.

Perhaps your most important right is the right to have legal representation. You may hire any private lawyer you choose. If you cannot afford to hire a private lawyer, the public defender may provide a lawyer to represent you at no cost, or at a nominal cost, if you qualify for their services. To apply for Public Defender representation, contact a District Court commissioner. The State's Attorney who will be prosecuting your case is a lawyer. The rules of evidence will apply at your trial.
If you are not trained in the law and you do not know the rules of evidence, you will find that you are at a disadvantage in attempting to represent yourself. A lawyer can help you in many ways. A lawyer can help you investigate your case and determine if there is a legal defense that you might not know exists. A lawyer can help you: explain any potential collateral consequences of a conviction, including immigration consequences, question the State's witnesses, challenge any evidence; call any witnesses; and question any witnesses on your behalf.

If you don't know the rules of evidence, the Court may not allow you to present evidence that you may have. A lawyer may help you decide whether you should testify or whether you should exercise your right to remain silent. Even if you are found guilty, a lawyer can still help you by presenting facts in your favor, so that you receive the best possible sentence. The lawyer can also explain your rights concerning any appeal, modification, or new trial. These are the advantages of having a lawyer.

If you remain in jail, you may apply to the Office of the Public Defender for representation. If you make bail or you are released on your own recognizance, you must go in person to the Public Defender's Office immediately upon release or as soon as possible thereafter. When you arrive, you will be given an income verification form. The verification form must be returned to the Public Defender's Office before your trial date so that a determination can be made whether you qualify for representation and allow time for the attorney to prepare your defense. Certain jurisdictions require 10 working days, meaning not including weekends or holidays.

If you appear for your trial without a lawyer, without good cause, the judge could find that you have waived your right to a lawyer and you may have to represent yourself.

Finally, if you are not a citizen of the United States, a conviction of a crime may result in immigration consequences, including: detention, denial of citizenship, or deportation to your country of origin. If you have any questions, please ask the bail review judge when your name is called.

I Acknowledge By My Signature That I Have Heard And Understand These Rights And That I Have Received A Copy Of This Document.

Defendant: Julian Blackman **Date:** 8/15/18 **Case #** D-11-CR-18-2122